

Remarks:

Claim Rejections, first paragraph of 35 USC 112:

2. Claim 116 was rejected because it contained subject matter not described in the specification. Claim 116 concerns the use of a block solution to treat the membrane, after the hapten-ligand has been bound to the membrane, but prior to the application of the anti-hapten antibody. The block solution was defined in the specification, on page 12, line 16:

“The membrane was blocked at 4°C overnight in a block solution consisting of Tris buffered saline (TBS: 25 mM Tris, 0.15 M NaCl, pH 7.8) containing 0.1% tween 20 and 5% w/v non-fat dry milk.”

The background of the use of a block is presented on page 4, line, 9:

“The membrane with its cell constituents separated by molecular weight is blocked with a non-specific protein”

The Claim 116 filed on 12/26/2007 contained text that discussed the functioning of a block solution (comprising a solution containing agents which...). This was not covered in the specification, and has been struck out. As such, Claim 116 now only presents the term defined in the specification.

Claim Objections:

3a. The examiner objects to the use of brackets to delineate individual steps, as brackets are traditionally used to mark text to be deleted. This has been corrected throughout the claims and all incidences of brackets have been replaced by parentheses.

3b. Claim 99 recited two (b) steps. This has been corrected. Claim 99 now recites 4 steps: a,b,c, and d.

Claim Rejections, second paragraph of 35 USC 112:

4a. In Claim 98, The verifying of a specific signal method was described after a thereby statement. Here, the thereby does not describe an entity produced, but a method. This was objected to since the method is not presented as an active step. The format of claim 99 has been amended so that now The verifying of a specific signal is presented on its own, as an active step.

4b. Claim 110 contained an improper Markush group where members were selected from the group consisting of A, B, C, or D. This was objected to since the proper presentation of members in a Markush group is: selected from the group consisting of A, B, C, and D. Here, the term “or” was used instead of “and”. This has been corrected in the claim.

4c. Claim 113 used the trade name NYTRAN. Thus, the material was improperly identified. This has been struck out in the claim and replaced with “nylon membranes”.

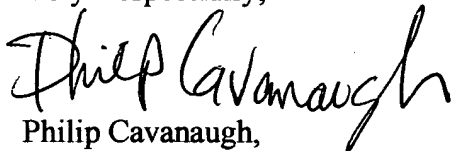
4d. Claim 113 contained an improper Markush group where members were selected from the group consisting of A, B, C, or D. This was objected to since the proper presentation of members in a Markush group is: selected from the group consisting of A, B, C, and D. Here, the term “or” was used instead of “and”. This has been corrected in the claim.

4e. All claims were rejected because the major claim 97, and claims 98 and 99 contained method steps described in a “whereby” clause. This is objected to as whereby clauses exist to add comments, such as the advantages of the method, but not patentable method steps. The “quantifying the amount of said hapten-ligand originally bound to said surface” step in Claim 97; the “verifying the specific binding of said hapten-ligand to said surface” in Claim 98; and the “verifying the location of said signal from Claim 97 step (f) step (2) arising from said hapten-ligand, contained in separated lysates” in Claim 99; were all placed in whereby clauses. This has been corrected, and all of these Claims have been re-formatted and methods have been re-stated as positively recited method steps. The result of each claim remains the same.

Conclusion:

The applicant wishes to thank the examiner for the suggestions for changes on the office action, and for the effort to date. The applicant submits that the specification and claims are now in proper form, and hopes that this amendment places the claims in a form for allowance.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Philip Cavanaugh", written in a cursive style.

Philip Cavanaugh,

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